

January 18, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Mr. Robert J. Gervais
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR99-0118

Dear Mr. Gervais:

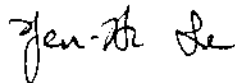
You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121232.

The City of Galveston (the "city") received a request for the police department's daily police lineup sheets and computer-generated log-on and log-off printouts for a specified time period. You have provided the requestor with the computer printouts and the information from the lineup sheets pertaining to the requestor. You assert that the remaining information from the lineup sheets is excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered your claimed exception and reviewed the submitted information.

Section 552.108(b)(1) of the Government Code excepts from public disclosure an internal record or notation of a law enforcement agency that is maintained for internal use in matters relating to law enforcement if release of the internal record or notation would interfere with law enforcement or prosecution. You assert that release of the requested information would impair the police department's security. We have reviewed your arguments and conclude that you have not demonstrated how the release of information pertaining to shift assignments would interfere with law enforcement. Because you have not met your burden of establishing the applicability of section 552.108(b)(1) to this information, the city may not withhold such information from the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 121232

Enclosures: Submitted documents

cc: Ms. Sherri De Placencia
P.O. Box 3878
Galveston, Texas 77554
(w/o enclosures)